

**United States Bankruptcy Court  
For The Western District of Texas  
Austin Division**

<b>IN RE:</b>	§	
	§	
<b>John Reese Nelson, d/b/a Premier Lawncare &amp; Maintenance,</b>	§	<b>Case No. 14-10907-Davis</b>
	§	
<b>Debtor</b>	§	<b>Chapter 7</b>
-----	§	
<b>John Patrick Lowe, Trustee,</b>	§	
<b>Movant</b>	§	
	§	
<b>v.</b>	§	
	§	
<b>John Reese Nelson, d/b/a Premier Lawncare &amp; Maintenance,</b>	§	
<b>Respondent</b>	§	

**Motion to Compel the Debtor to Turn Over  
Certain Books and Records to the Chapter 7 Trustee**

TO THE HONORABLE TONY M. DAVIS, UNITED STATES BANKRUPTCY JUDGE:

**This pleading requests relief which may be adverse to your interests.**

**If no timely response is filed within 21 days from the date of service, the relief requested herein may be granted without a hearing being held.**

**A timely response is necessary for a hearing to be held.**

COMES NOW John Patrick Lowe, the Trustee in this case, and makes and files this Motion, and in support thereof respectfully represents to the Court as follows:

1.

Movant is the Trustee in this Chapter 7 case. The case was commenced on June 5, 2014 as a Chapter 7 proceeding and has since that date remained pending under that Chapter. This contested matter is filed by right of 11 United States Code §§ 521 and 704 and Federal Rule of Bankruptcy Procedure 4002.

2.

The copy of the Debtor's 2014 Federal income tax return which was turned over to the Trustee discloses on line 21 "other income" in the amount of \$39,851.00. The Statement number 1 made a part of the return states that that income was derived from Heart of Texas Demolition, LLC. The Trustee has asked the Debtor for copies of the records explaining or relating to that income. That income appears not to be wage or salary income. Wage and salary income is instead reported on line 1 of that return. Despite the Trustee's request, however, the Debtor hasn't turned over the explanatory records to the Trustee.

3.

The Trustee moves that the Court direct the Debtor to turn over to the Trustee by a date certain, 15 days after the date of the entry of the Order submitted with this Motion, copies of the books, documents, records or papers explaining or relating to the "other income" in the amount of \$39,851.00, evidently from Heart of Texas Demolition, LLC, disclosed on line 21 and Statement 1 of the Debtor's 2014 Federal income tax return. Perhaps a Form 1099, perhaps it's something else.

4.

The relief supporting this request is based on 11 United States Code § 521(a)(3) and (4) and Federal Rule of Bankruptcy Procedure 4002(a)(4) which oblige the Debtor to cooperate with the Trustee in the administration of the estate and to surrender to the Trustee books, documents, records and papers relating to the property of the bankruptcy estate. This relief will assist the Trustee in the performance of his statutory duties including the duties to investigate the financial affairs of the Debtor and to assemble and reduce to cash the assets of the bankruptcy estate.

5.

Entry of the Order relating to this Motion shouldn't prejudice the assertion of any other estate claim or cause of action against the Debtor.

WHEREFORE premises considered, Movant requests the Court to enter an Order as requested above, and for such other and further relief, at law or in equity, as to which he may be justly entitled.

DATED: December 30, 2015.

Respectfully submitted,

  
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John Patrick Lowe, Trustee  
State Bar No. 12623700  
218 North Getty Street  
Uvalde, Texas 78801  
(830) 278-6271  
(830) 278-7643 (fax)  
Email: johnplowe@sbcglobal.net

**Certificate of Service**

This is to certify that a true and correct copy of the above and foregoing Motion to Compel the Debtor to Turn Over Certain Books and Records to the Chapter 7 Trustee, and the proposed Order, have been served on the parties listed below, by First Class mail, postage prepaid; by the CM/ECF system; or by electronic mail on this the 30<sup>th</sup> day of December 2015:

**Debtor:**

John Reese Nelson  
10421 Beard Avenue  
Austin, TX 78748

**Attorney for Debtor:**

Michael Baumer  
Law Office of Michael Baumer  
7600 Burnet Road, Suite 530  
Austin, TX 78757

  
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Patrick Lowe